

Through 11/11/98 Fees

Case Docket No. G-85 [G-41]

NOV 27 2002

Patent application of: Herve Gtaus et. al.

Serial 09/202,424

Filed: 12/10/98

For: Security Procedure for . . .

To: THE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Transmitted herewith is an amendment in the above-identified application.

- [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA	SMALL ENTITY RATE	ADDIT. FEE	OR	OTHER THAN A SMALL ENTITY RATE	ADDIT. FEE
TOTAL	* _____	MINUS _____	** _____	\$ 9	\$ _____		\$ 18	\$ _____
INDEP.	* _____	MINUS _____	*** _____	\$ 39	\$ _____		\$ 78	\$ _____
[] 1ST PRESENTATION OF MULT. DEP. CLAIM				\$130	\$ _____		\$260	\$ _____
				TOTAL	\$ _____	OR	TOTAL	\$ _____
ADDITIONAL FEE								

37 CFR 1.136 Petition:-- If any extension of time, e.g. 35 USC 41(a)(8) and e.g. 37 CFR 1.136 is required for this and for any subsequent submission by applicants in this application; then petition is hereby made for such extension(s) and if a check does not accompany this transmittal letter, the Commissioner is requested, and authorized, to charge any fee(s) therefor to Deposit Account 16-2128.

- [] For 1 Mo. Ext. \$55/\$110 [] For 3rd Mo. Ext. \$435/\$870
- ☒ For 2 Mo. Ext. \$190/\$380 [] For 4th Mo. Ext. \$680/\$1,360
- [] Please charge my Deposit Account No. 16-2128 in the amount of \$ _____.
- A duplicate copy of this sheet is attached.
- [] A check # _____ in the amount of \$ _____ is attached.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 16-2128. A duplicate copy of this sheet is attached.
- [X] Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- [X] Any patent application processing fees under 37 CFR 1.17.

NOV 22 2002

Date

Roland Plottel

Atty of Record

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date set forth below.

Signed

Roland Plottel
Roland Plottel P.T.O. 20707

Date

NOV 22 2002



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N/E M. Bruner
12/6/02

PLEASE EXPEDITE IN GAU 2876
AMENDMENT AFTER FINAL

Atty. Dkt. G-85 [G-41]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Herve Orsus and Jean-Jacques Foglino
Serial No. : 09/202,424
Confirmation No: 2885
Examiner : Mark Tremblay
Filed : 12/10/98
GAU : 2876
For : SECURITY PROCEDURE FOR CONTROLLING THE
TRANSFER OF VALUE UNITS IN A CHIP CARD
GAMING SYSTEM

NOV 22 2002

AMENDMENT F -- AFTER FINAL

This is in response to the September 24, 2002 Office Action FINAL (Paper No. 17) that has a mailing date from the Office of September 24, 2002.

Applicants would like to make several points in response to the Office Action FINAL.

I

An aspect of applicants' invention is that the data exchange is accompanied with a corresponding certificate. This, for example, is pointed out in claims 31, 32, 33, 34, 35, as well as 37, 38 and 39.

A certificate is different than encryption. Both may exist in a system. Encryption of exchange data is not enough to secure a network. According to the teaching of

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this invention, it is necessary to authenticate the gaming card whose data is being exchanged. For that purpose, a certificate containing secret identification and data (e.g., Kt , $K't$) of the gaming card. Usually, a certificate may be calculated using part of the data exchanged added to card identification data. After the certificate is calculated and inserted, the whole may be encrypted for transmission. The examiner is respectfully requested to please read claim 31, with its parent claims 26 and 28, and then read claim 32. The Office is respectfully requested to please focus on claims 33, 34 and 35 as they read with their parent claim. Additionally, the Office is respectfully requested to study claims 37, 38 and 39 with their dependency on claim 36.

Briefly, it is respectfully submitted that the feature of certification followed by encryption is nowhere shown or suggested in the two applied references.

The Office letter interprets a "secure network" as one relying only on encryption for security. In an aspect of applicant's invention, the network is secure because each data exchange is accompanied by a unique certificate (to that exchange) and which certificate is then verified at the receiving end of the transmission.

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In summary, it is respectfully submitted that for the reasons set forth above claims 31-35 and 37-39 are allowable over the art.

II

Regarding the independent claims, let us look at claim 26. This claim includes:

(d) wherein said exchanging and checking steps are performed for each change of value of the card.

claim 26, clause (d) at lines 22 and 23

The Office letter, asserts that this feature is in the prior art relying on the Raven reference. Let me quote the rejection:

The obviousness of updating the card at least twice during a gambling session may also be **directly inferred from the Raven invention.**

Paper No. 17, page 4, lines 5 and 6

This is not a teaching. The examiner "inferences" or does he "deduce"? There is no teaching no suggestion in Raven of step (d) of claim 26 when read with step (c) that defines the checking step and step (b), that defines the exchanging step.

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This feature, bluntly put, is not in the Raven reference.

II-A

The examiner asserts that one has to extend Raven through "obviousness of Raven" to have a person update the card twice during each gambling session. There is no teaching, no suggestion in Raven of updating the card with a parallel update, one to the card and redundant to the central processor for each transaction performed on the card.

The Office letter at page 3, lines 14 and 15, writes:

It is . . . unclear whether Raven clearly teaches updating the card at least twice during a gambling session. This, however, is a well-known feature of many other stored value card systems.

It is clear that Raven does not teach updating the card at least twice during a gambling session. The Office letter asserts that it is "unclear." It is not in Raven at all. Then, there is an assertion that "it is a well-known feature of many other stored value card systems," but there is nothing in the record to show that. This is merely

conjecture on the part of the examiner. If it is so well-know, then cite a reference. But there is no such reference in this file.

The Office letter develops eloquently a series of arguments using "parallel analogy" [Office letter, page 4, lines 21 and 22] and reference to the examiner's apparent personal experience at Florida State University's use of smart cards. None of this is shown in any printed publication or §102 or §103 reference.

III.

The present application claims the benefit of foreign priority that is of 1997, more than five years ago. Thus, the examiner's reference to contemporaneous and undocumented prior art, should fail for two reasons. First, it is undocumented, but merely the examiner's personal experience or recollection. Second, that undocumented prior art was not shown in any respects to exist prior to, or be well-know prior to, applicants' convention priority date.

IV.

Allowance of all three independent claims is courteously solicited. Please note that the scope of claim 36, 26 and 1, which are the independent claims, vary slightly from one another. None of the elements are shown

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in the singly applied reference, Raven, or in any of the references in this application.

V.

An aspect of applicant's invention is a "secure network." The examiner seems to interpret this phrase not in accordance with the teaching of applicant's specification, but as a network in which encryption is used. One aspect of applicant's invention is that the secured network is secure because each data exchange is accompanied with a corresponding certificate, which is then verified at the receiving end. The exact recitation of secured network as noted above is in claims 31-35 and 37-39.

VI.

A not very often cited provision of the patent law is that a new use of a known component is patentable. In the present case, there is no showing of the various steps as defined in the claims, for example claim 26, steps (c), (d) and (e). But there is an additional reason for the allowability of the independent claims. The prior art does not show all the features. Also, there is no teaching, no reference, I repeat, no reference in the file, that shows the use of the entry for each transaction that is performed in a gambling system to be entered in both the card and a

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central processor of the gambling establishment. Note, this aspect of the invention is that each change value is entered at both, e.g. the card's and a second separate memory locations. The advantage of such a system is greater security. Greater security is the holy grail of all gambling systems.

In the Office letters, the examiner itemized various ways to try to cheat a system. But, with a "double entry," i.e., immediate entry of each change of value in both the card and, for example, at the central processing unit, all of the clever thefts as outlined in the Office letter would be thwarted!!

Applicants' invention would immediately identify a tampered with, incomplete or altered transaction, and the card would be invalidated on the next attempt to use the card!

Nobody has used the system of applicants' invention in a gambling environment. There is a long time need for greater security in the gambling environment. In the 15 years prior to applicants' priority filing date, nobody came up with the idea of, or published anything on, applicants' "double entry system in gambling." Thus, for the long-felt

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need, this feature and the claims are limited to a gambling system and is patentable.

VII.

Reconsideration and allowance of the specific claims directed to the certification prior to the transfers in the system, claims 31-35 and 37-39, are courteously solicited.

Also, reconsideration and allowance of the independent claims 36, 26 and 1, for the reasons set forth above, are also courteously solicited.

Finally, the dependent claims that are not recited above, namely, 28-30 and 40-41, are believed to be allowable because of the dependency from the parent claims and for the additional features they include.

Respectfully submitted,

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Certificate under 37 CFR 1.8(a): I hereby certify that this correspondence is being deposited with the United States postal service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on

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